

REMARKS

Applicant submits these Remarks in reply to the Office Action mailed November 19, 2007. Claims 24-27, 29-36, and 38-48 remain pending in this application, of which claims 24, 34, 46, 47, and 48 are independent. Applicant notes that, although the Examiner indicated that claim 23 is currently pending in the Office Action Summary, claim 23 was cancelled in Applicant's Preliminary Amendment of June 29, 2006.

In the Office Action, the Examiner rejected claims 24-27, 29, 30, 32-36, 38, 39 and 41-48 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,704,960 ("Evans").

In this Reply, Applicant has amended independent claim 24 to recite, for example, "at least one first unidirectionally-spun optical fiber span and at least one second unidirectionally-spun optical fiber span having mutually opposite spinning directions, wherein the at least one first unidirectionally-spun optical fiber span is obtained from at least one first unidirectionally-spun optical fiber, the at least second unidirectionally-spun optical fiber span is obtained from at least one second unidirectionally-spun optical fiber, the first and second unidirectionally-spun optical fibers being distinct optical fibers and having mutually opposite helicity."

Independent claims 34, 46, 47, and 48, though of different scope, have been amended to recite similar features. Support for these amendments can be found in Applicant's specification at least at page 9, lines 13-31, page 16, line 3-page 17, line 27, and page 20, line 12-page 21, line 2.

Applicant respectfully traverses all pending rejections for at least the reasons discussed below.

Rejections Under 35 U.S.C. § 102(b)

Applicant respectfully traverses the rejection of claims 24-27, 29, 30, 32-36, 38, 39 and 41-48 under 35 U.S.C. § 102(b) as being anticipated by Evans. In order to properly establish that Evans anticipates Applicant's claimed invention under 35 U.S.C. § 102, every element of the claims in issue must be found, either expressly or described under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Evans does not disclose every element of Applicant's claimed invention. Amended independent claim 24 recites, in part, "at least one first unidirectionally-spun optical fiber span and at least one second unidirectionally-spun optical fiber span having mutually opposite spinning directions, wherein the at least one first unidirectionally-spun optical fiber span is obtained from at least one first unidirectionally-spun optical fiber, the at least second unidirectionally-spun optical fiber span is obtained from at least one second unidirectionally-spun optical fiber, the first and second unidirectionally-spun optical fibers being distinct optical fibers and having mutually opposite helicity." Independent claims 34, 46, 47, and 48 have been amended to recite similar features. Evans fails to disclose a cable comprising optical fiber spans "having mutually opposite helicity" that are obtained from "distinct [unidirectionally-spun] optical fibers." As the Examiner noted in the Office Action, "Evans illustrates, in Fig. 6, a segment of a length of optical fiber having alternating lengths of spin or twist, which have been formed by applying torque alternately in the clockwise and then in the counterclockwise direction

and [vice] versa.” Office Action, p. 2. Thus, Evans does not disclose that the optical fiber spans of mutually opposite helicity are obtained from distinct, unidirectionally-spun optical fibers. Rather, the optical fiber spans of mutually opposite helicity of Evans are evidently obtained from a single optical fiber which, during the drawing process, is repeatedly rotated clockwise and counter-clockwise.

For at least this reason, Evans neither discloses nor suggests the subject matter of these amended claims. Applicant therefore requests the Examiner reconsider and withdraw the rejection of independent claims 24, 34, 46, 47, and 48 under 35 U.S.C. § 102(b) over Evans and indicate their allowability.

Moreover, claims 25-27, 29-33, 35, 36, and 38-45 depend from claims 24 and 34, respectively, and, thus, contain all the elements and limitations thereof. Accordingly, dependent claims 25-27, 29-33, 35, 36, and 38-45 are allowable at least due to their corresponding dependence from independent claims 24 and 34.

Claim Scope

It is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and or shown in the drawings. Rather, Applicant believes that they are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 29, 2008

By: 

Benjamin D. Bailey
Reg. No. 60,539